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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/538,253	06/09/2005	Tetsuyuki Narabayashi	1217-051428	1862
28289	7590	02/20/2007	EXAMINER	
THE WEBB LAW FIRM, P.C. 700 KOPPERS BUILDING 436 SEVENTH AVENUE PITTSBURGH, PA 15219			DONDERO, WILLIAM E	
			ART UNIT	PAPER NUMBER
			3654	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/20/2007	PAPER	

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/538,253	NARABAYASHI, TETSUYUKI	
	Examiner William E. Dondero	Art Unit 3654	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on \_\_\_\_\_.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-8 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_ is/are allowed.  
 6) Claim(s) 1-8 is/are rejected.  
 7) Claim(s) \_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 09 June 2005 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/SB/08)  
 Paper No(s)/Mail Date 10/28/2005.

4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Drawings*

Figures 3 and 4 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-8 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding Claims 1 and 4, the claim is rendered indefinite because it is unclear whether or not the "film carrier tape" and "electronic component" in the preamble of the claims (line 2 in both claims) is the same "film carrier tape" and "electronic component" referred to in the body of the claims (Claim 1, Lines 3 and 5; Claim 4, Lines 3, 3-4, 5, and 5-6). For the Office Action below, it is presumed they are the same elements.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (Specification: page 2, line 18 – page 5, line 7; Figures 3-4) in view of Del Bianco et al. (US-4363455). Regarding Claim 1, Applicant's Admitted Prior Art discloses a spacer take-up device in an apparatus for processing a film carrier tape 100 for mounting an electronic component comprising a feeding device 106 for feeding the film carrier tape for mounting an electronic component which is wound up a reel 104 through a spacer 102 to a predetermined apparatus 101 for processing the film carrier tape for mounting the electronic component; and a spacer take-up device 108 for winding the spacer fed out of the feeding device upon a reel 110, wherein the feed driving shaft 112 of the reel of the feeding device is coupled to a driving motor (shown but not numbered), and a take-up driving shaft (shown but not numbered) of the spacer take-up device is coupled to a motor 118 (Specification: page 2, line 18 – page 5, line 7; Figures 3-4). Applicant's Admitted Prior Art is silent about the take-up driving shaft of the spacer take-up device being coupled to the motor through a clutch. However, Del Bianco et al. discloses a take-up device 110 for winding excess material fed out of a feeding device 106 upon a reel wherein a take-up driving shaft 110 of the take-up device is coupled to a motor 105, via a sprocket, through a clutch 111(Figures 1, 4-10; Column 6, Line 66 – Column 10, Line 42). It would have been obvious to one of

ordinary skill in the art at the time of the invention to add the clutch of Del Bianco et al. to couple the motor and take-up drive shaft of Applicant's Admitted Prior Art to maintain a constant tension on the spacer as it is taken-up as taught by Del Bianco et al. (Column 6, Line 66 – Column 10, Line 42).

Regarding Claim 2, Applicant's Admitted Prior Art is silent about an amount of take-up of the spacer take-up device is set to be greater than that of the feeding device. However, Del Bianco et al. disclose, as a result of the clutch device, the take-up roller will have a lower speed than the feed device; and therefore, the take-up will be greater than that of the feeding device (Figures 1, 4-10; Column 6, Line 66 – Column 10, Line 42). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the clutch of Del Bianco et al. to the take-up device of Applicant's Admitted Prior Art to maintain a constant tension on the spacer as it is taken-up as taught by Del Bianco et al. (Column 6, Line 66 – Column 10, Line 42).

Regarding Claims 3 and 8, Applicant's Admitted Prior Art is silent about the clutch always set in a slip state in such a manner that the motor for the take-up driving shaft is always rotated at a higher speed than a predetermined speed. However, Del Bianco et al. disclose the clutch is always rotated in a slip state in such a manner that the motor for the take-up driving shaft is always rotated at a higher speed than a predetermined speed (Figures 1, 4-10; Column 6, Line 66 – Column 10, Line 42). It would have been obvious to one of ordinary skill in the art at the time of the invention to add the continuously slipping clutch of Del Bianco et al. to the take-up device of Applicant's Admitted Prior Art to maintain the tension applied to the spacer within a

predetermined range as taught by Del Bianco et al. (Column 6, Line 66 – Column 10, Line 42).

Regarding Claims 4-7, the method described in these claims would inherently result from the use of the spacer take-up device of Applicant's Admitted Prior Art (Specification: page 2, line 18 – page 5, line 7; Figures 3-4) in view of Del Bianco et al. (US-4363455) as advanced above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William E. Dondero whose telephone number is 571-272-5590. The examiner can normally be reached on Monday through Friday 7:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kathy Matecki can be reached on 571-272-6951. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

wed



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